

CIVIL CASE NO. 1:10cv194

Defendant.

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Specifically, the parties ask that on remand, the Appeals Council direct the ALJ to consider the medical opinion evidence of the treating

physicians, including Dr. Fleck (Tr. 172, 176, 501), and to redetermine Plaintiff's credibility and residual functional capacity ("RFC"). They further ask that the ALJ consider the impact of migraine headaches, mental impairment, and the combination of Plaintiff's impairments on the RFC. As necessary, the ALJ should obtain evidence from a vocational expert. The Appeals Council should direct the ALJ to give Plaintiff an opportunity for a new hearing. They note that Plaintiff has filed a subsequent claim, which is still pending, and ask that the Appeals Council direct the ALJ to consider consolidating the claim files and issuing a new decision on the combined claims.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the parties' Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 13] is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

IT IS FURTHER ORDERED that upon remand, the Appeals Council shall further remand the case to an Administrative Law Judge ("ALJ") for a

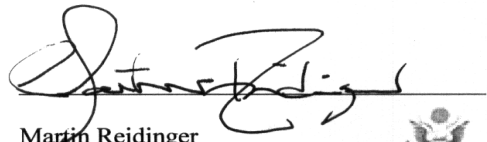
new hearing at which Plaintiff will be able to testify and present evidence.

On remand, the Appeals Council will direct the ALJ to consider the medical opinion evidence of the treating physicians, including Dr. Fleck, and to redetermine Plaintiff's credibility and residual functional capacity ("RFC").

The ALJ will also consider the impact of migraine headaches, mental impairment, and the combination of Plaintiff's impairments on the RFC. As necessary, the ALJ will obtain evidence from a vocational expert. The Appeals Council will direct the ALJ to consider consolidating the instant and newer pending claim files and issuing a new decision on the combined claims.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: May 28, 2011



Martin Reidinger
United States District Judge

